

ENTERED

February 08, 2018

David J. Bradley, Clerk

RICHARD S. LAUTER, not
individually but solely as §
Creditor Trustee of the Gas- §
Mart USA, Inc. Creditor Trust, §
Plaintiff, §
v. § CIVIL ACTION NO. H-17-2028
CITGO PETROLEUM CORPORATION, §
Defendant. §

FINAL JUDGMENT

In accordance with the court's Memorandum Opinion and Order granting Citgo's motion to dismiss Counts I and II for lack of subject matter jurisdiction, and granting Citgo's motion for summary judgment on Count III, plaintiff's claims for breach of contract and violation of the automatic stay are **DISMISSED WITHOUT PREJUDICE**, and plaintiff's claim for preferential transfer is **DISMISSED WITH PREJUDICE**.

Costs are taxed to the plaintiff.

This is a **FINAL JUDGMENT**.

SIGNED at Houston, Texas, this 8th day of February, 2018.

SIM LAKE
UNITED STATES DISTRICT JUDGE